

Atty. Dkt. No. 023727-1701

**REMARKS**

The present invention relates to shock-resistant and environmentally sealed containers. Specifically, the present invention relates to a latch system for a container, wherein the latch system is configured to absorb relative movement between the first section and the second section of the container, thereby preventing the latches of the container from inadvertently opening. The latch system employs a deflectable pin and latch coupled to one section of the container, and a locking ridge coupled to a second section of the container. The deflectable pin is positioned such that when the latch including the deflectable pin is engaged, the latch system absorbs relative movement between the first and second sections of the container. See, for example, Figure 8. The latch system with the deflectable pin offers many advantages, such as for example, the ability for the container to remain secured even after severe impacts.

By the present communication claims 6 and 26 have been amended to define Applicant's invention with greater particularity and add no new matter. Claims 1-5, 10 and 25 have been cancelled. Thus, claims 6-9, 12, 26 and 29-30 remain pending in this application. The present status of all claims in the application is provided in the Listing of Claims presented herein beginning on page 2 of this communication.

**Rejection under 35 U.S.C. §102(b)**

The rejections of claims 6-9, 12, 26 and 29 under 35 U.S.C. §102(b), as allegedly being anticipated by Seitz et al. (U.S. Patent No. 3,709,538), claims 6-9, 12, and 26 under 35 U.S.C. §102(b), as allegedly being anticipated by Henne and Munoz (U.S. Patent Nos. 4,838,586 and 4,861,078), and claims 6-9, 12, and 26 under 35 U.S.C. §102(b), as allegedly being anticipated by Kushman et al. (U.S. Patent No. 4,109,819), are respectfully traversed.

In order to anticipate a claim, a single prior art reference must provide each and every element set forth in the claim. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). *See also*, MPEP §2131.

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Applicants' invention, as defined for example by amended claims 6 and 26, distinguishes over each of the references relied upon by the Examiner by requiring that the latch system is not biased with a coil spring. In each of the references relied upon by the Examiner, the latch device is biased with a coil spring. See, for example, Seitz (Fig. 3, part 32), Henne (Fig. 3, part 19), Munoz (Fig. 4, part 19), and Kushman (Fig. 4, part 54). Therefore, none of the references teach every element of the amended claims 6 and 26, or the claims which depend therefrom. Reconsideration and withdrawal of the rejections are respectfully requested.

**Rejections under 35 U.S.C. §103(a)**

**a) Relevant Law**

To establish a *prima facie* case of obviousness, three criteria must be met; there must be some motivation or suggestion, either in the cited publications or in knowledge available to one skilled in the art, to modify or combine the cited publications; there must be a reasonable expectation of success in combining the publications to achieve the claimed invention; and the publications must teach or suggest all of the claim limitations. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2142. In analyzing obviousness, the Court of Appeals for the Federal Circuit has repeatedly cautioned that:

[t]he factual inquiry... must be based upon objective evidence of record.... [T]he best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.... [P]articular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

*In re Sang-Su Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002) (internal citations omitted).

**b) Rejection Over Seitz, Henne, Munoz and Kushman**

The rejection of claims 29 and 30 under 35 U.S.C. §103(a), as allegedly being unpatentable over Seitz et al., Henne, Munoz and Kushman is respectfully traversed.

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Applicants' invention, as defined, for example, by claim 6 (from which claims 29 and 30 depend), distinguishes over the combination of Seitz, Henne, Munoz and Kushman in that the present invention requires that the latch system is not biased with a coil spring. As described above, the references (individually and in combination) fail to teach a latch system which is not biased with a coil spring. The combination of the references also fails because there is no teaching or suggestion of a latch system which is not biased with a coil spring.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the above remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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